

12-26-00

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Docket No.: END9 2000 0102 US1

NEW UTILITY PATENT APPLICATION TRANSMITTAL

(Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Total Pages this Submission: 3

TO THE ASSISTANT COMMISSIONER FOR PATENTS

Box Patent Application
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is
new utility patent application for an invention entitled:

System and Method for Determining Network Throughput Speed and Streaming Utilization
and invented by:

FREDRICK K. P. KLASSEN, ROBERT M. SILVERMAN

ASSIGNEE: INTERNATIONAL BUSINESS MACHINES CORPORATION
RESIDENCE OF ASSIGNEE: ARMONK, NEW YORK

If a **CONTINUATION APPLICATION**, check the appropriate box and supply the requisite information:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application
No.:

Enclosed are:

Application Elements

01. ☒ Filing fee as calculated and transmitted as described below
02. ☒ Specification having 52 pages and including the following:
 - a. ☒ Descriptive Title of the Invention
 - b. ☒ Cross References to Related Applications *(if applicable)*
 - c. ☐ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
 - d. ☐ Reference to Microfiche Appendix *(if applicable)*
 - e. ☒ Background of the Invention
 - f. ☒ Brief Summary of the Invention
 - g. ☒ Brief Description of the Drawings *(if drawings filed)*
 - h. ☒ Detailed Description
 - i. ☒ Claim(s) as Classified Below
 - j. ☒ Abstract of the Disclosure
03. ☒ Drawing(s) when necessary as prescribed by 35 USC 113)
 - a. ☐ Formal
 - b. ☒ Informal

Number of sheets: 5

12/21/00
JCE39 U.S. PTO

JCE41 U.S. PTO
09/746183
12/21/00

NEW UTILITY PATENT APPLICATION TRANSMITTAL**(Large Entity)***(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Total Pages this Submission:3

Application Elements (Continued)04. ☒ Oath or Declaration

- a. ☐ Newly executed (original or copy) ☒ Not executed
- b. ☐ Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional application only)
- c. ☒ With Power of Attorney ☐ Without Power of Attorney

05. ☐ Incorporation By Reference (usable if box 4b is checked)

The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Item 4b, is considered as being part of the disclosure of accompanying application and is hereby incorporated by reference therein.

06. ☐ Computer Program in Microfiche (Appendix)07. ☐ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all must be included)

- a. ☐ Paper Copy
- b. ☐ Computer Readable Copy (identical to computer copy)
- c. ☐ Statement Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts08. ☐ Assignment Papers (cover sheet & document(s))09. ☐ 37 CFR 3.73(B) Statement (when there is an assignee)10. ☐ English Translation Document (if applicable)11. ☐ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS citation12. ☐ Preliminary Amendment13. ☒ Acknowledgment postcard14. ☒ Certificate of Mailing

☐ First Class ☒ Express Mail (Label No: EL598673206)

15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)

NEW UTILITY PATENT APPLICATION TRANSMITTAL**(Large Entity)***(Only for new nonprovisional applications under 37 CFR 1.53(b))*

Total Pages this Submission:3

Accompanying Application Parts (Continued)16. ☐ Additional Enclosures (identify below)**Fee Calculation and Transmittal****CLAIMS AS FILED**

For	# Filed	# Allowed	# Extra	Rate	Fee
Total Claims	15	-20	0	x \$18.00	\$
Indep. Claims	6	- 3	3	x \$80.00	\$ 240.00
Multiple Dependent Claims					\$
BASIC FEE					\$ 710.00
Other FEE (Specify purpose)					\$
TOTAL FILING FEE					\$ 950.00

- ☐ A check in the amount of \$ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge and credit IBM Corporation Deposit Account No. 09-0457 as described below. A duplicate copy of this sheet is enclosed.
- ☒ Charge the amount of \$950.00 as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees as required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: 19 Dec 2000

Shelley M Beckstrand

 Signature

Shelley M Beckstrand
 Reg. No. 24,886

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 Owego, NY 13827-1616
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CC:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: F. K. P. Klassen, et al
Serial No.: n/a Group No.: n/a
Filed: Herewith Examiner: n/a
For: System and Method for Determining Network Throughput Speed and Streaming Utilization

Assistant Commissioner For Patents
Washington, D.C. 20231

EXPRESS MAIL CERTIFICATE

"Express Mail" label number: EL598673206US_

Date of Deposit: 12/21/00

I hereby certify that the following attached paper or fee

New Utility Patent Application Transmittal
Specification: 52 pages (including claims)
Declaration and Power of Attorney
Drawings (5 sheets)
Express Mail Certificate
Postcard

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Denise M. Jurik

(Name of person mailing paper or fee)

Denise M Jurik

(Signature of person mailing paper or fee)

NOTE: Each paper must have its own certificate and the "Express Mail" label number as a part thereof or attached thereto. When, as here, the certification is presented on a separate sheet, that sheet must (1) be signed and (2) fully identify and be securely attached to the paper or fee it accompanies. Identification should include the serial number and filing date of the application as well as the type of paper being filed, e.g., complete application, specification and drawings, responses to rejection or refusal, notice of appeal, etc. If the serial number of the application is not known, the identification should include at least the name of the inventor(s) and the title of the invention.

NOTE: The label number need not be placed on each page. It should, however, be placed on the first page of each separate document, such as, a new application, amendment, assignment, and transmittal letter for a fee, along with the certificate of mailing by "Express Mail". Although the label number may be on checks, such a practice is not required. In order not to deface formal drawings, it is suggested that the label number be placed on the back of each formal drawing or the drawings be accompanied by a set of informal drawings on which the label number is placed.

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